

AN ACT

relating to the authority of a county civil service commission to administer oaths and issue subpoenas; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 158, Local Government Code, is amended by adding Section 158.0095 to read as follows:

Sec. 158.0095. AUTHORITY TO ISSUE SUBPOENAS AND ADMINISTER OATHS. (a) In a proceeding before the commission under this subchapter, the chairman of the commission shall, on request of a person described by Subsection (b):

(1) administer oaths; and

(2) issue subpoenas and subpoenas duces tecum for the attendance of witnesses and for the production of documentary material.

(b) The affected employee, the county attorney, or a designee of the employee or county attorney may request the chairman of the commission to subpoena any books, records, documents, papers, accounts, or witnesses that the requestor considers relevant to the case. The request must be made before the 15th day before the date a commission proceeding will be held.

(c) An oath administered under this section has the same force and effect as an oath administered by a magistrate in the magistrate's judicial capacity.

(d) A response to a subpoena duces tecum under this section

1 is considered to have been made under oath.

2 (e) A person who is subpoenaed commits an offense if the
3 person fails to appear as required by the subpoena. An offense
4 under this section is a misdemeanor punishable by a fine up to
5 \$1,000, confinement in the county jail for not more than 30 days, or
6 both the fine and confinement.

7 SECTION 2. Subchapter B, Chapter 158, Local Government
8 Code, is amended by adding Section 158.0355 to read as follows:

9 Sec. 158.0355. AUTHORITY TO ISSUE SUBPOENAS AND ADMINISTER
10 OATHS. (a) In a proceeding before the commission under this
11 subchapter, the chairman of the commission shall, on request of a
12 person described by Subsection (b):

13 (1) administer oaths; and

14 (2) issue subpoenas and subpoenas duces tecum for the
15 attendance of witnesses and for the production of documentary
16 material.

17 (b) The affected employee, the county attorney, or a
18 designee of the employee or the county attorney may request the
19 chairman of the commission to subpoena any books, records,
20 documents, papers, accounts, or witnesses that the requestor
21 considers relevant to the case. The request must be made before the
22 10th day before the date a commission proceeding will be held.

23 (c) An oath administered under this section has the same
24 force and effect as an oath administered by a magistrate in the
25 magistrate's judicial capacity.

26 (d) A response to a subpoena duces tecum under this section
27 is considered to have been made under oath.

1 (e) A person who is subpoenaed commits an offense if the
2 person fails to appear as required by the subpoena. An offense
3 under this section is a misdemeanor punishable by a fine up to
4 \$1,000, confinement in the county jail for not more than 30 days, or
5 both the fine and confinement.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2011.

H.B. No. 3788

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 3788 was passed by the House on April 26, 2011, by the following vote: Yeas 112, Nays 36, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3788 on May 23, 2011, by the following vote: Yeas 131, Nays 15, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3788 was passed by the Senate, with amendments, on May 20, 2011, by the following vote: Yeas 26, Nays 4.

Datsy Spaw

Secretary of the Senate

APPROVED:

17 Jun '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

4 PM O'CLOCK

JUN 17 2011

Boysen R. Davis

Secretary of State